

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER S. YARBRO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 13-cv-05748 BHS

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 18.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's stipulated motion, and ORDER that the Commissioner's final decision in the above-captioned case be AFFIRMED IN PART,

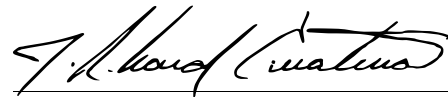
1 REVERSED IN PART, and REMANDED to the Acting Commissioner of Social Security for  
2 further administrative proceedings before an Administrative Law Judge (ALJ), for a *de novo*  
3 hearing and for a new decision on the issue of whether or not plaintiff continued to qualify for a  
4 period of disability and disability insurance benefits pursuant to Title II of the Social Security  
5 Act, and for Supplemental Security Income disability benefits pursuant to Title XVI of the Act,  
6 after January 18, 2011.

7 On remand, the Appeals Council will: (1) affirm the determination that plaintiff was  
8 disabled for the period from September 11, 2008 through January 18, 2011; and (2) remand the  
9 matter to an ALJ for a *de novo* hearing and a new decision limited to the issue of whether or not  
10 plaintiff's disability continued after January 18, 2011. In considering the limited issue, the ALJ  
11 will: update the record, weigh the acceptable and other medical opinions of record, including  
12 the opinion of Eugene Kester, M.D., articulate the weight assigned to the medical source  
13 opinions and the reasons for that weight, and consider further the nature and severity of  
14 plaintiff's alleged psychological impairments, in accord with the relevant Social Security  
15 Rulings (SSRs) and regulations, including, but not limited to, 20 C.F.R. §§ 404.1512, 404.1527,  
16 404.1520a, 404.1594, 416.912, 416.927, 416.920a, 416.994, SSR 96-6p, *available at* 1996 WL  
17 374180, and SSR 06-3p, *available at* 2006 WL 2329939.

18 The undersigned recommends that the Court hereby affirm the Commissioner's final  
19 decision in part, reverse the Commissioner's final decision in part, and remand the case to the  
20 Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative  
21 proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The parties stipulate that plaintiff  
22 will be entitled to reasonable attorney's fees and costs pursuant to the Equal Access to Justice  
23 Act, 28 U.S.C. § 2412(d), following proper request to this Court.  
24

1  
2 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
3 immediately approve this Report and Recommendation and order that the case be AFFIRMED  
4 IN PART, REVERSED IN PART, and REMANDED pursuant to sentence four of 42 U.S.C. §  
5 405(g).

6 Dated this 14th day of April, 2014.

7  
8 

9 J. Richard Creatura  
United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24